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4	San Francisco, CA 94102 Telephone: (415) 436-7700		
5	Counsel for Defendant WILLIAMS		
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8	IN THE UNITED STATES DISTRICT COURT		
9	FOR THE NORTHERN DISTRICT OF CALIFORNIA		
10			
11	UNITED STATES OF AMERICA,	) No. CR-05-00622 JSW	
12 13	Plaintiff, vs.	<ul><li>STATUS REPORT; MOTION FOR</li><li>LEAVE TO FILE STATUS REPORT</li><li>LATE</li></ul>	
14	STEVEN WILLIAMS, ) Date: February 13, 2006		
15	Defendant.	) Time: 8:30 a.m. ) Court: The Honorable Jeffrey S. White	
16	STATUS RI	EPORT RE: PLEA AGREEMENT	
17	DECLARA	ΓΙΟΝ OF ELIZABETH M. FALK	
18 19	I, Elizabeth M. Falk, trial counsel for	Defendant Steven Williams, do hereby declare the	
	following to be true under penalty of perjury:		
<ul><li>20</li><li>21</li></ul>	1. Trial in this matter is	currently set for April 3, 2006 at 8:30 a.m.;	
22	2. Trial counsel for the d	lefense and the government agree on a proposed plea	
23	agreement;		
24	3. Defense counsel subm	nitted a final letter memorializing the plea offer to	
25	government counsel the	he morning of February 10, 2006, due to the fact that	
26	government counsel w	vas in trial up until that day;	
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1	4.	Trial counsel for the defense has been attempting to find out whether the proposed	
2		plea agreement has been seen and approved by the Major Crimes supervisors at	
3		the United States Attorney's Office;	
4	5.	Trial counsel for the government was in trial the week of February 6, 2006, and	
5		was likely focusing on the matters presented therein. Defense counsel	
6		understands that trial is an important matter, which usually takes precedence over	
7		all other matters;	
8	6.	As of today, February 13, 2006, undersigned counsel does not know whether the	
9		Major Crimes Supervisors have either seen or accepted the plea agreement.	
10	7.	Defense counsel respectfully requests the Court to maintain the Change of Plea	
11		date of February 23, 2006 at 2:30 p.m., as she fully anticipates that Mr. Williams	
12		will change his plea on this date;	
13	8.	The foregoing are all the facts known to undersigned counsel at this time.	
14			
15	I swear under the penalty of perjury that the foregoing facts are true and correct to the best		
16	of my knowledge. Signed and executed this 13th day of February, 2006.		
17			
18	/s/		
19	ELIZABETH M. FALK		
20		Assistant Federal Public Defender	
21	I hereby attest that I have on file all holographic signatures indicated by a "conformed" signature		
22	(/S/) within this efiled document.		
23			
24	MOTION FOR LEAVE TO FILE STATUS REPORT LATE		
25	Defendant Steven Williams hereby files this motion for leave to file late status report.		
26	For all facts presented herein, please refer to the accompanying Declaration of Elizabeth M. Falk		
	HV:11: CD 05.0	0.022 ICW	

filed herewith as Exhibit A;

- Counsel for the defendant, Steven Williams, and counsel for the government,
   Susan Jerich, have been essentially playing telephone tag between February 9,
   2006 and today, February 13, 2006, and have exchanged messages about the plea agreement;
- 2. Defense counsel has still not spoken face-to-face with government counsel, and thus, does not know the status of the plea agreement;
- 3. Defense counsel understands that government counsel was attending to a trial last week, and that trial supecedes all other matters on any attorney's plate;
- 4. Defense counsel attempted to reach government counsel on February 10, 1006 upon delivery of the letter memorializing the plea agreement. However, defense counsel was unable to reach government counsel live to determine the status of the plea offer;
- 5. Defense counsel knew that this status report was due to the Court, but mistakenly thought that the status report was due by the end of the day on Friday, February 10, 2006;
- 6. By that time, defense counsel had not been able to connect with government counsel;
- 7. Defense counsel was hoping to hear from government counsel over the weekend or early this morning regarding the status of the plea agreement, which is the reason defense counsel held off on filing the Status Report;
- 8. Defense counsel apologizes to the Court for her error in judgment. Defense counsel thought that the status report was expected to be a Joint Status report.

  Defense counsel thus wanted to hear back from government counsel and prepare a joint status report, signed by both parties, which is why she did not file something on February 10, 2006.

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1	9.	Defense counsel accepts responsibility for missing the deadline on the status		
2		report, as it is her client who suffers as a result of any missed deadlines. Defense		
3		counsel apologizes profusely to the Court for this misstep. In the future, defense		
4		counsel will file in accordance with the Court's deadlines, whether or not she has		
5		the appropriate information to give to the Court, and whether or not she is able to		
6		get in touch personally with any applicable party regarding the information		
7		applicable to the filing.		
8	Dated: Februa	ary 13, 2006		
9		Respectfully submitted,		
10		BARRY J. PORTMAN		
11		Federal Public Defender		
12		\s\		
13		ELIZABETH M. FALK Assistant Federal Public Defender		
14				
15	I hereby attest that I have on file all holographic signatures indicated by a "conformed" signature (/S/) within this efiled document.			
16				
17				
18	<del>[PROPOSED]</del> ORDER			
19				
20		CAUSE APPEARING, it is hereby ORDERED that the leave is granted to file		
21	this status report late. The clerk of court is directed to accept the status report for filing. The parties shall advise the Court by no later than Tuesday February 21, 2006, as to whether a chang of plea will occur on February 23, 2006. This may be done by a joint letter to the Court.			
22				
23	IT IS SO OR	DERED		
24	Dated:_ <u>Febr</u> ı	uary 13, 2006 - William Market		
25	THE HONOR AND SUBTRICT JUDGE			
26				

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